

1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE DISTRICT OF NEW MEXICO

3 ANGELA SALAZAR o/b/o J.M.,  
4 a minor child,

5 Plaintiff,

6 v.

Case No.

7 1:21-CV-00751-KK-JHR

8 RIO RANCHO PUBLIC SCHOOLS  
9 BOARD OF EDUCATION, GEORGE  
10 ARCHULETA in his individual  
11 capacity, and JOHN DOE #1  
12 in his individual capacity,

13 Defendants.

14 \_\_\_\_\_ /

15 ZOOM DEPOSITION OF JOSEPH MARTINEZ SALAZAR

16 Friday, July 29, 2022

17 Albuquerque, New Mexico

18 PURSUANT TO THE NEW MEXICO RULES OF CIVIL  
19 PROCEDURE, this deposition was:

20 TAKEN BY: JERRY A. WALZ, ESQ.  
21 ATTORNEY FOR THE DEFENDANTS

22 REPORTED BY: TERI WARD, RPR, CCR #549  
23 PAUL BACA COURT REPORTERS  
24 500 4th Street, Suite 105  
25 Albuquerque, New Mexico 87102

## EXHIBIT K

Page 1

1 Ms. Cordova to see if she was prepared to go forward  
 2 with her deposition, given the representations from  
 3 Mr. Mondragon, so as to not tie up the time of  
 4 attorneys and Elsie Cordova if she was unable to go  
 5 forward.

6 Mr. Bullion appropriately and promptly  
 7 informed counsel that Ms. Cordova was not able, for  
 8 reasons stated, to go forward with her deposition,  
 9 and therefore, we're reserving her deposition and  
 10 all issues associated with her deposition at a later  
 11 time.

12 I think I've captured what our agreement  
 13 was as to Ms. Cordova. Am I correct in that regard?  
 14 If we could go around the horn, please.

15 Mr. Quinones, is that what your understanding was?

16 MR. QUINONES: Yes, that's my  
 17 understanding, Counsel.

18 MR. WALZ: Mr. Bullion?

19 MR. BULLION: Yes, Mr. Walz. That was a  
 20 accurate recitation of the events yesterday, and I  
 21 agree.

22 MR. WALZ: Thank you so much.

23 Okay. Madam Court Reporter, now we're  
 24 ready to formally start the deposition here.

25 JOSEPH MARTINEZ SALAZAR,

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1 Q. Okay. I would like you to know who  
 2 everybody is, obviously. I know you know who  
 3 Mr. Bullion is, but I'm going to ask counsel to  
 4 state for the record their appearances.

5 I'm Jerry Walz. I represent the Rio  
 6 Rancho Public Schools and Board of Education in this  
 7 lawsuit.

8 MR. QUINONES: Carlos Quinones. I  
 9 represent Defendant George Archuleta.

10 MR. BULLION: And this is Todd Bullion  
 11 representing the plaintiff.

12 MR. WALZ: Okay. Thank you, Counsel.  
 13 BY MR. WALZ:

14 Q. Let me ask you this, Mr. Salazar, what  
 15 did you do to prepare, if anything, for your  
 16 deposition today?

17 A. What would I call it? The forms?

18 Q. And let me just ask you real quick.

19 You're looking at somebody. If it's Mr. Bullion,  
 20 that's fine, but is there anybody else in the room  
 21 with you?

22 MR. BULLION: Joseph's mother, Angela,  
 23 is in the room. Per our agreement, she's sitting in  
 24 on the deposition today.

25 MR. WALZ: And that's fine. I have no

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1 having been called as a witness and having been  
 2 first duly sworn, was examined and testified as  
 3 follows:

4 MR. WALZ: Okay. And are we recording  
 5 this video-wise, too?

6 THE COURT REPORTER: It wasn't -- just  
 7 as a back-up, if that makes sense.

8 MR. WALZ: Yes, it does, but we would  
 9 ask that you record it as a back-up, put the video  
 10 on. Okay?

11 THE COURT REPORTER: Okay.

12 MR. WALZ: Because Mr. Baca in the past  
 13 has accommodated counsel by giving us the video as  
 14 well.

15 THE COURT REPORTER: Okay.

16 MR. WALZ: All righty. Thank you.

17 EXAMINATION

18 BY MR. WALZ:

19 Q. All right. So let me have you state  
 20 your name, Joseph. Would you give us your full  
 21 legal name and your date of birth.

22 A. Joseph Michael Salazar. My date of  
 23 birth is April 2nd of 2004.

24 Q. So are you 18 now?

25 A. I am.

1 problem with that.

2 BY MR. WALZ:

3 Q. So let me define this a little bit more  
 4 for you, if I could, please. This is your  
 5 deposition, your testimony. What you discuss with  
 6 Mr. Bullion is covered by attorney-client privilege.  
 7 If you talked to him before, I don't want to know  
 8 and please don't tell me what you've spoken to him  
 9 about.

10 Regarding conversations with your  
 11 mother, she's also listed as a witness, and I'm

12 going to have to ask you questions about various  
 13 interactions with your mother -- I'm giving you a  
 14 little blueprint here that might be helpful --

15 interactions that you had with Daniel Mondragon,  
 16 maybe his father, Mark Mondragon, maybe interactions  
 17 that you had with Laius Martinez and others that

18 have been either identified through deposition  
 19 testimony or listed as witnesses.

20 Do you understand that?

21 A. I do.

22 Q. All right. And you're doing a great job  
 23 so far and let's keep it up where you let me finish  
 24 my question and I'll quit talking, let you talk, and  
 25 then after you're done talking, then I might

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3 (Pages 6 - 9)

1 Q. Okay. So let's -- we'll break these  
2 down one at a time. Mr. Baca, you never made a  
3 complaint about, right?

4 A. No.

5 Q. So then you said you went to the main  
6 principal. Was that Mr. Affentranger?

7 A. Yes.

8 Q. What did you exactly tell him about any  
9 inappropriate touching or conduct by Mr. Archuleta?

10 A. I believe it was -- it was after the  
11 second incident I had went into his office  
12 specifically to talk to him about the situation, and  
13 I was -- as I was telling him the details, he was --  
14 he was acting as if he had something better to do or  
15 you know what I mean, this wasn't a situation that  
16 he had to deal with. He kind of just, I mean, like  
17 whatever, like shrugged if off like do you need  
18 anything else kind of.

19 Q. Okay. Now -- and I appreciate you  
20 describing how you believe Mr. Affentranger was  
21 responding, but did you ever tell him specifically  
22 that George Archuleta, in your opinion, touched you  
23 in a sexually inappropriate manner?

24 A. Yes.

25 Q. What did you say exactly?

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1 my -- my left -- my left testicle had been touched,  
2 and I told Mr. Affentranger how I felt about it, and  
3 he didn't care. He kind of told me that  
4 essentially, he doesn't have to deal with it. He  
5 has, you know, bigger stuff to deal with.

6 Q. How long did this conversation take  
7 place?

8 A. Maybe ten minutes max.

9 Q. Were there any other individuals there?

10 A. No.

11 Q. Okay. Well, we're going to come back to  
12 that. Was there any other administrator that you  
13 went in to speak with where you complained of  
14 Mr. Archuleta's conduct?

15 A. No.

16 Q. Do you know more or less the date when  
17 you met with Mr. Affentranger?

18 A. I do not recall.

19 Q. Do you know what year you were in high  
20 school when this conversation you had or claim you  
21 had with Mr. Affentranger?

22 A. I believe I was in my sophomore year.

23 Q. And Mr. Quinones is going to ask you I'm  
24 sure specific of the search, I'm just trying to get  
25 kind of an overview of the situation. All right.

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1 A. I had -- I had expressed to him that in  
2 the last time that I had been searched, I believe  
3 that there was -- there was some really weird and  
4 off-putting things that had went on between, you  
5 know, the search and after, so I had told him that  
6 -- I had told him essentially what happened in that  
7 room, and he kind of just, you know, was like  
8 whatever.

9 Q. What did you tell him, though? You said  
10 you essentially told him. What did you tell him?

11 A. Yes, I told him that when I was pulled  
12 into the security room for searching, that I believe  
13 there was something that went on that is with --  
14 outside the guidelines of how a security guard is  
15 supposed to perform a search, I guess you could say.

16 And I had expressed to him that when I  
17 was getting patted down on my legs for,  
18 quote/unquote, contraband that George was -- he was  
19 getting -- he was getting really high on the thigh  
20 area. And as I'm facing the wall, because I've been  
21 through this so many times, I'm just -- you know,  
22 I'm kind of like get it over with already.

23 As I'm facing the wall, I'm kind of  
24 like, -- almost like when I heard that sound, I'm  
25 kind of in shock, and then my brain registered that

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1 So let's go back in time and then we're  
2 going to come back up in time again. We're talking  
3 about middle school, and what got us on this topic,  
4 I asked you if you had any complaints about any  
5 searches or seizures that occurred at mid school,  
6 that would be Mountain View.

7 A. Yes.

8 Q. And I have not heard you say that you  
9 had any complaints from -- from middle school; is  
10 that right?

11 A. That's correct.

12 Q. Okay. Okay. After you graduate from  
13 mid school, did you work the summer between mid  
14 school and high school?

15 A. No.

16 Q. What did you do that summer?

17 A. I couldn't tell you. It's been so many  
18 years.

19 Q. Well, what year did you start high  
20 school?

21 A. I believe it was 2018 or '19.

22 Q. Okay. And so here we're still in 2022,  
23 but you can't recall what you did between the --  
24 during the summer between mid school and high  
25 school?

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25 (Pages 94 - 97)

1 other aides was -- I believe one of their name was  
 2 Scott, and the other I don't recall his name.  
 3 Q. You said that they would mediate at the  
 4 main office. What do you mean by that? Mediate  
 5 with who?  
 6 A. I guess you could say the principal or  
 7 whoever I was talking to.  
 8 Q. Well, that went into my other kind of  
 9 question, does this involve disciplinary issues as  
 10 well, this program?  
 11 A. Yes.  
 12 Q. Okay. Did your mother know that you  
 13 were a part of that program?  
 14 A. Yes.  
 15 Q. Okay. So I heard you say that one guy  
 16 was the head coach. The head coach of what? What  
 17 sport?  
 18 A. Of Storm.  
 19 Q. Oh, okay. You're not talking like a  
 20 sports coach, right?  
 21 A. He was both. He was the head coach of  
 22 the Storm program, and he -- he also coached some  
 23 other things throughout the school.  
 24 Q. And do you know his name?  
 25 A. Off the top of my head right now, no.

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1 A. It was relatively --  
 2 Q. I'm sorry?  
 3 A. It was relatively every time they tried  
 4 to search me, which was every day. So I would  
 5 assume over 40 or 50 or something like that.  
 6 Q. How many times were you actually  
 7 searched, to the best of your recollection, your  
 8 sophomore year?  
 9 A. More than 50 times, for sure.  
 10 Q. And where did these searches take place?  
 11 A. Mainly in the office or the security  
 12 office, but sometimes it would vary.  
 13 Q. Can you give me the name of one witness  
 14 that you have that can verify or validate your claim  
 15 that you were searched more than 50 times your  
 16 sophomore year?  
 17 A. I think -- I think Daniel would -- would  
 18 I guess you could say be a person that could give a  
 19 number or something like that or I don't necessarily  
 20 think Laius, but maybe Daniel.  
 21 Q. Okay. Now, was Daniel present whenever  
 22 these searches occurred?  
 23 A. Once in a while, but --  
 24 Q. Okay. If possible -- and you know  
 25 Daniel has a lawsuit, too, the three of you, right?

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1 Q. So just being clear, I asked you for the  
 2 names of any of the aides. You said you had about  
 3 maybe five of them during the year; is that right?  
 4 A. Yes. There was around five of them.  
 5 Three male and two female.  
 6 Q. And I've asked you for names, and  
 7 actually names you've not been able to give me any;  
 8 is that right?  
 9 A. Yes.  
 10 Q. Is there a reason that you cannot recall  
 11 these people that -- that were with you as aides at  
 12 school?  
 13 A. I mean, it's been a very long time. I  
 14 don't -- I don't see why anyone would particularly  
 15 try to remember something of that nature.  
 16 Q. Well, wasn't this just in 2019?  
 17 A. Whatever year I got put into Storm.  
 18 Q. Okay. So as we're here today, you can't  
 19 remember any of the names?  
 20 A. No.  
 21 Q. All right. And how many times do you  
 22 think you were -- if you can project and remember  
 23 the best you can, how many times do you think that  
 24 you were either -- you were written up for any type  
 25 of disciplinary offense during your sophomore year?

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1 A. Yes.  
 2 Q. You're the only three that have any  
 3 lawsuit where there's a claim of improper search and  
 4 seizure.  
 5 Do you understand that?  
 6 MR. BULLION: Form.  
 7 THE WITNESS: Yes.  
 8 BY MR. WALZ:  
 9 Q. Right? And you understand that all  
 10 three of you were friends during high school?  
 11 MR. BULLION: Form.  
 12 THE WITNESS: I understand that.  
 13 BY MR. WALZ:  
 14 Q. Okay. I'm looking for maybe some  
 15 independent witness that doesn't -- or it can be a  
 16 friend, but do you have like -- I think I asked you  
 17 this in your interrogatories, too, by the way. I  
 18 don't think you named anybody that can say, look, I  
 19 was in this class with Joseph and I witnessed 10  
 20 times -- I'm just using that number, okay -- 10  
 21 times I witnessed him being searched in the hallway  
 22 or do you have anybody like that that you can  
 23 identify?  
 24 MR. BULLION: Form.  
 25 THE WITNESS: The only person that I

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32 (Pages 122 - 125)

1 could think of is the head coach, and now that I'm  
2 thinking about it, I recall his -- we would call him  
3 Mr. Young or something like that.

4 BY MR. WALZ:

5 Q. Okay.

6 A. Coach Young.

7 Q. And how many times do you think he was  
8 present when you were searched?

9 A. Maybe ten, if that.

10 Q. Okay. And we'll try to locate him. Do  
11 you know if he's still with the school district?

12 A. I'm not sure.

13 Q. Okay. And other than him, Daniel  
14 actually was never present with you when you were  
15 searched ever, was he?

16 A. No.

17 Q. Okay. If Daniel has a number or some  
18 information that's because that would have been  
19 information you would have told him, right?

20 A. No.

21 MR. BULLION: Form.

22 BY MR. WALZ:

23 Q. What do you mean no? How would Daniel  
24 know --

25 A. It's something he would have gained from

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1 Q. And when this happened, was there any  
2 witness present at the time?

3 A. No.

4 Q. So it's just your word that you claimed  
5 that you were searched twice inappropriately by  
6 George Archuleta?

7 MR. BULLION: Form.

8 THE WITNESS: Correct.

9 BY MR. WALZ:

10 Q. And did both those searches occur in  
11 your sophomore year?

12 A. Yes.

13 Q. Nothing happened your junior year?

14 A. Not that I can recall.

15 Q. Or senior year?

16 A. Not that I can recall.

17 Q. Now, was one of the disciplinary  
18 infractions, Joseph, your sophomore year, we talked  
19 a little bit about it before was for the body  
20 punching that you and Daniel were engaged in?

21 A. Yes.

22 Q. I'm looking at a report or statement

23 assigned 2/21/19. So that's February 21, 2019. And  
24 I'll read it to you verbatim. It's very short by  
25 Daniel Mondragon.

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1 himself. We had talked about us being searched and  
2 --

3 Q. Okay.

4 A. -- you know, it was a normal thing. It  
5 was quite weird, honestly.

6 Q. Okay. Did you report these searches  
7 some 40 to 50 searches during your sophomore year to  
8 your mother?

9 A. Yes.

10 Q. Now, when you told her about these  
11 searches, we talked about this before, the only  
12 search or searches that you claimed were  
13 inappropriate touching was with George Archuleta,  
14 right?

15 A. Correct.

16 Q. And how many times did that occur? Was  
17 it like -- well, I don't want to put words in your  
18 mouth. How many times do you think Mr. Archuleta  
19 touched you in an inappropriate manner during a  
20 search?

21 A. I'd say about twice.

22 Q. Okay. Two times?

23 A. Correct.

24 Q. Okay. That's it?

25 A. Correct.

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1 Voluntary statement: Me and Joe were  
2 just throwing hands in the bathroom and both of us  
3 hit each other in the face.

4 Do you think that that's a correct  
5 statement?

6 A. I'd say that's yes, somewhat accurate.

7 Q. I'm sorry?

8 A. I'd say that is somewhat accurate.

9 Q. Well, tell me what part you'd like to  
10 add to or delete.

11 A. Two people getting hit in the face. I  
12 don't -- I don't believe that was part of what  
13 happened.

14 Q. Did you hit Daniel in the face?

15 A. Yes.

16 Q. Okay. And did he hit you in the face?

17 A. No.

18 Q. He never hit you in the face?

19 A. I don't -- I don't believe so. I'm not  
20 positive.

21 Q. Okay. Well, tell us how that whole  
22 thing got started and what happened, then.

23 A. Essentially, it was another regular day,  
24 and we get off the bus, and we see one of our  
25 friends who we start walking in the hallway, and I

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33 (Pages 126 - 129)

1 well.  
 2 Q. Other than the incidents that we've  
 3 discussed your sophomore year, is there anything  
 4 else that -- or is there anything else that sticks  
 5 out in your mind regarding any disciplinary issues  
 6 that you believe that were important to you that you  
 7 remember that you can convey to us today?  
 8 A. Just the second incident in the office.  
 9 Q. That's with Mr. Archuleta?  
 10 A. Yes, correct.  
 11 Q. Okay. And again, I'll defer to  
 12 Mr. Quinones on this, but just did both of your --  
 13 of the searches of Mr. Archuleta performed on that  
 14 you alleged were inappropriate because he touched  
 15 you in a sexual manner, did those occur in your  
 16 sophomore year?  
 17 A. Correct.  
 18 Q. Okay. So nothing freshman, nothing  
 19 after sophomore, just those two incidents that we're  
 20 complaining about sophomore year?  
 21 A. That's correct.  
 22 Q. Okay. Great. Just trying to narrow it  
 23 down. Was it towards the beginning of the year,  
 24 middle year, end of year, or were the -- incident  
 25 one and incident two spread out?

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1 anything like that, so I thought that was  
 2 off-putting for sure.  
 3 Q. Okay. You speak Spanish or no?  
 4 A. No.  
 5 Q. Do you know sometimes when people use  
 6 the word mijito and terms of that, that it's some  
 7 type of acknowledgment of actually being closeness  
 8 or friends?  
 9 A. I know what it means.  
 10 Q. Okay. So why is that so off-putting?  
 11 A. Because I know for a fact he's not  
 12 somebody of Daniel's family line, so I thought that  
 13 that was awkward. I've seen, you know, Daniel's  
 14 uncles and stuff talk to him like that, but never  
 15 anybody else that wasn't related.  
 16 Q. And how would Daniel respond to that?  
 17 A. In my -- the way I viewed it, he was I  
 18 guess you could say really awkward, like really  
 19 weirded out.  
 20 Q. Did Daniel respond in English or Spanish  
 21 or not at all?  
 22 A. I don't think he responded.  
 23 Q. About how many times did you hear  
 24 Mr. Archuleta say to Daniel "mijito"?  
 25 A. Every once in a while. It was maybe

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1 A. I believe that it was at the end of the  
 2 year, towards the end of the year.  
 3 Q. Had you learned Mr. Archuleta's name  
 4 prior to these searches that you claim are -- were  
 5 inappropriate?  
 6 A. Yes. Everyone knew him as George.  
 7 Q. I'm not there obviously, but was he a  
 8 friendly guy? Did he talk to a lot of the students?  
 9 Did they just not like him? Was he mean to people?  
 10 Can you kind of tell us from your perspective how he  
 11 was viewed?  
 12 A. I wouldn't -- I wouldn't say that he  
 13 would be mean or anything, but people -- the people  
 14 that I know that say they've had interactions with  
 15 him say it's just kind of off-putting. He acts a  
 16 little bit weird.  
 17 Q. Okay. By a little bit weird, can you  
 18 describe that?  
 19 A. From my experience, just little stuff  
 20 that he does, like he'll be in the hallway, like  
 21 there's a few times that me and Daniel were in the  
 22 hallway, and he'll be like he was talking to Daniel  
 23 and he said something mijito and like it was just --  
 24 it was pretty off-putting because he's not anybody  
 25 of family -- family relations or blood ties or

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1 like three, four times.  
 2 Q. Were there other security personnel  
 3 present when Mr. Archuleta said mijito to Daniel?  
 4 A. No.  
 5 Q. Now, at V. Sue Cleveland there's  
 6 thousands of students; is that a fair statement?  
 7 A. Correct.  
 8 Q. When -- would there be occasion where it  
 9 would just be yourself, Daniel and Mr. Archuleta  
 10 without all these other students present where he  
 11 would tell Daniel mijito?  
 12 A. I mean, everybody's around but it's very  
 13 loud, especially in the hallways when everybody's  
 14 walking, and you can't -- you can barely hear  
 15 anything. It was -- I was barely able to hear him  
 16 talking to Daniel.  
 17 Q. Did you ever hear Mr. Archuleta look at  
 18 any other students, okay, and use the words mijito?  
 19 A. I don't believe I did.  
 20 Q. About how old, to your best estimate,  
 21 was Mr. Archuleta your sophomore year when he used  
 22 the term mijito with Daniel?  
 23 A. My best guess would be 40s or 50s, maybe  
 24 older.  
 25 Q. Did he act weird in any other manner, in

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39 (Pages 150 - 153)

<p>1 your opinion?</p> <p>2 A. Yeah, definitely.</p> <p>3 Q. Can you explain that?</p> <p>4 A. Like sometimes I'd be in the hallway and 5 he'll be like -- you know what I mean, I'd just be 6 walking to class or something, and he'll be like you 7 got anything on you or I'm going to search you later 8 or like, you know what I mean, just trying to make 9 me lash out or just antagonize me, something like 10 that.</p> <p>11 Q. Did -- and what was your response?</p> <p>12 A. Honestly, most of the time I'd just 13 ignore him.</p> <p>14 Q. Just wouldn't even answer, right? Just 15 keep moving?</p> <p>16 A. Right. I figured that's what he wants 17 me to do. He's looking for a reason to get me in 18 trouble.</p> <p>19 Q. Aside from Daniel, who's also a 20 plaintiff in these cases, is there any independent 21 witness who you can identify for us today who saw 22 George Archuleta antagonize you as you've just 23 described?</p> <p>24 MR. BULLION: Form. 25 BY MR. WALZ:</p>	<p>1 A. Correct.</p> <p>2 Q. Okay. All right. And so tell us to the 3 best of your recollection what exactly occurred 4 between you and Mr. Archuleta on these two 5 incidents. Go with the first incident obviously 6 first and then the second one. So go ahead, please.</p> <p>7 A. On the first incident it's -- it's 8 essentially like every other time I'm getting 9 searched, I'm sitting at this little kind of bench 10 area in front of the nurse's office in front of the 11 footage area, and that -- both of those incidents 12 were very off-putting because usually most of those 13 doors are open, like the nurse's door is usually 14 wide open and she's taking care of people, and just 15 like the footage room, that's usually wide open with 16 the guards watching the footage, and 17 Mr. Affentranger's door is open sometimes.</p> <p>18 And all those doors were closed, and it 19 was just me in the hallway, and George grabbed my 20 backpack from where I was sitting from the side, and 21 he proceeded to unzip it and turn my backpack upside 22 down and just pretty much started shaking everything 23 out. And I have some heavy stuff in my backpack, 24 you know, so everything was hitting the desk pretty 25 hard.</p>
<p>1 Q. Do you understand my question?</p> <p>2 A. Yes, I do.</p> <p>3 Q. What's your answer?</p> <p>4 A. If -- if there was anybody, I would 5 assume it would be Daniel or Laius that would have 6 seen it.</p> <p>7 Q. Okay. All right. So now let's focus -- 8 and again I'll let Mr. Quinones do this line of 9 questioning. I'm just trying to get an overview.</p> <p>10 On the two incidents that you state that he touched 11 you in a sexually inappropriate manner, what 12 activity occurred that led you to be encountered by 13 Mr. Archuleta?</p> <p>14 A. I believe both of the times I was 15 actually brought out of class for incidents, and 16 that's why I was down there.</p> <p>17 Q. Excuse me. Thinking back now, can you 18 tell me what those incidents were or is it just 19 something you don't remember?</p> <p>20 A. I can't recall.</p> <p>21 Q. Okay. Do you remember was it the same 22 teacher whose classroom you were taken from?</p> <p>23 A. I believe it was different classes.</p> <p>24 Q. Okay. Now, we're only talking about the 25 two incidents for the inappropriate conduct. Okay?</p>	<p>1 A. And then he said, you know, come here 2 for your search or whatever, and I stepped into like 3 the door frame of where the security room is in the 4 hallway. So I stepped into the door frame, and he 5 proceeded to tell me to take off my shoes and take 6 out my insole and check in my socks, and he told me 7 to get my waistband and flip it inside out so if 8 there was anything in there, it would fall.</p> <p>9 And then he told me to turnaround, and 10 then he put his hands in my pockets to see if there 11 was anything there. I guess, he felt a bulge or 12 something. He asked me if I had shorts underneath, 13 and if I did, if I could take those off, and I had 14 addressed him. I had told him that even if I had 15 shorts under, I don't feel comfortable with doing 16 that, and from that point he kind of got mad and he 17 continued to search me.</p> <p>18 He starts doing the kind of I guess you 19 could say cop search, the pat down your legs all the 20 way up and down. He's checking in my cuffs in my 21 socks to see if there's anything in there. And as 22 I'm facing the wall, he's checking my left cuff on 23 my left leg, and he's going up patting my leg, and 24 he's getting really high in my thigh at this point.</p> <p>25 And, you know, this is -- this happens a</p>

40 (Pages 154 - 157)

1 lot. So at this point I'm kind like, you know what  
 2 I mean, let's get this over with, can you just check  
 3 whatever I have and give me my stuff and I can go  
 4 back to class. And so he's getting really high on  
 5 my thigh on the left side and kind of -- I'm kind of  
 6 shook. I just -- I feel something -- something  
 7 touch me on my left -- my left testicle, and --  
 8 Q. Okay. Go ahead.  
 9 A. I back into the hallway, and I believe I  
 10 said something to, and he -- he kind of stood there  
 11 frozen just kind of like -- like nothing had  
 12 happened, like he didn't do something, you know what  
 13 I mean?  
 14 Q. Yeah. Okay. And then what?  
 15 A. I believe after that, I got sent to the  
 16 principal's office and I got my referral, and I was  
 17 sent back to class.  
 18 Q. Okay. So let's talk about when this  
 19 touching occurred that you just described. You  
 20 indicated that he was doing a cop like pat down at  
 21 that point --  
 22 A. Yes.  
 23 Q. -- going up your left leg. He looked in  
 24 your left cuff, and then were you -- did you have  
 25 your hands spread out to the side, over your head?

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1 you feel something on your left testicle?  
 2 A. Yes, correct.  
 3 Q. Is that right? Is that over the pants  
 4 or did he have your -- his hand in your pocket?  
 5 A. This is over -- I guess you could say  
 6 this is over my joggers, the pants I was wearing.  
 7 Q. Okay. Is that the name of the pants,  
 8 joggers?  
 9 A. Yes.  
 10 Q. Okay. And so you did not -- and I gotta  
 11 be a little graphic here. You did not feel anything  
 12 regarding any touch on your penis or your right  
 13 testicle?  
 14 A. No.  
 15 Q. Just left testicle?  
 16 A. Correct.  
 17 Q. And how long was that touch on the left  
 18 testicle?  
 19 A. I really couldn't gauge exactly how long  
 20 it was, but I -- I kind of froze for a second, and I  
 21 would assume during that time it would have been a  
 22 few seconds.  
 23 Q. Whenever the -- the search continued in  
 24 progress, did he return his hand back towards your  
 25 area of your crotch or groin?

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1 Where were your hands and arms at that point?  
 2 A. Straight down to my sides.  
 3 Q. Okay. So it wasn't like an airport  
 4 search where you have to put your arms, you know,  
 5 parallel and spread them and all that, right?  
 6 A. Yeah. My arms were to my sides, but  
 7 when he was bending down to look in my sock cuff, I  
 8 lifted my left arm so it wouldn't touch, you know  
 9 what I mean, him or anything. And other than that,  
 10 my arms were straight.  
 11 Q. Was he standing in front of you?  
 12 A. Yes, he was in front of me.  
 13 Q. Okay. So was he bending over then when  
 14 he was patting down your left leg working his way  
 15 up?  
 16 A. I'm not sure if he was bending over at  
 17 that point. But when he was checking my left sock  
 18 cuff, he was.  
 19 Q. Okay. So he's working your -- his way  
 20 up your leg. You know, you say you've been through  
 21 that before. You just wanted him to finish and kind  
 22 of get out of there, right?  
 23 A. Exactly.  
 24 Q. And then -- and I might be paraphrasing,  
 25 but I'll give you a chance to clarify. Okay? Then

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1 A. No. After that he -- I guess you could  
 2 say after that he was trying to be as professional  
 3 as possible.  
 4 Q. Okay. Could you explain that a little  
 5 bit, please?  
 6 A. Before -- before the touching --  
 7 Q. Right.  
 8 A. -- he was -- I guess you could say he  
 9 was a little sloppy with it. Like I said, he -- you  
 10 know what I mean, I had a lot of heavy stuff in my  
 11 bag and he's just standing over here shaking my  
 12 stuff out all on the desk.  
 13 Q. Okay.  
 14 A. I mean, after it happened, he was kind  
 15 of trying to be I guess you could say more formal  
 16 and like trying to do things better after, and it  
 17 didn't make sense to me. Like, that's -- at the end  
 18 of the day, it don't make it all right.  
 19 Q. Did -- have you ever been searched at an  
 20 airport?  
 21 A. No.  
 22 Q. Okay. You ever seen anybody patted down  
 23 at an airport?  
 24 A. No.  
 25 Q. You ever been searched or patted down by

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1 a police officer?  
 2 A. No.  
 3 Q. Have you ever watched any newscast or  
 4 videos where there's actual footage of somebody  
 5 being patted down during a search?  
 6 A. Yes, I think so on TV or something.  
 7 Q. Okay. So other than what you may have  
 8 seen on TV prior to this incident you've just  
 9 described, did you have any real life experiences of  
 10 being stopped or patted down by law enforcement?  
 11 A. No, definitely not.  
 12 Q. Or at an airport even?  
 13 A. No.  
 14 Q. Okay. Now, you said he acted or tried  
 15 to act very, you know, I think you said professional  
 16 or very professional after that happened. So he --  
 17 he did not call you anything like mijito or anything  
 18 like that at that time, did he?  
 19 A. No. He didn't -- he didn't verbally  
 20 express anything.  
 21 Q. Did he ever call you mijito at any time?  
 22 A. Me, personally?  
 23 Q. Yes.  
 24 A. I don't think so.  
 25 Q. Did -- did you report incident number

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1 disgusting. I felt -- even though like personally I  
 2 had not done anything, but I felt as if something  
 3 was wrong. I felt -- you know what I mean, I felt  
 4 dirty.  
 5 Q. Did you ever play athletics in school?  
 6 A. No.  
 7 Q. So you've never been in the, quote,  
 8 boy's locker room after practice where everybody's  
 9 showering and this and that and --  
 10 A. I had PE, but never for a sport or  
 11 anything.  
 12 Q. Okay. All right. So how long -- time  
 13 expired before the second incident?  
 14 A. It had to have been a few weeks or  
 15 something like that, a month.  
 16 Q. So what were the facts and circumstances  
 17 that occurred that had Mr. Archuleta encounter you  
 18 again?  
 19 A. I'm not sure what the reasons were, but  
 20 I remember being in class and security coming in to  
 21 get me, and I was asking for what reason, and they  
 22 pretty much told me that they couldn't tell me, that  
 23 I had to wait to see what was going on until I spoke  
 24 to the principal.  
 25 Q. Okay. Oh, I forgot to ask you one thing

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1 one that you just described to your mother?  
 2 A. I believe -- I believe after the second  
 3 incident, I had -- I had mentioned something.  
 4 Q. And I'll give you a chance to talk about  
 5 the second incident in just a minute, but I'm trying  
 6 to -- for the record, after the first incident that  
 7 you just described, did you tell your mother  
 8 anything at that time about that incident?  
 9 A. I'm not quite positive if I did or if I  
 10 mentioned everything after the second.  
 11 Q. Okay. All right. And so you described  
 12 -- was the touch a light touch? Did it hurt you?  
 13 Did it require medical treatment?  
 14 A. It didn't -- it didn't hurt. It didn't  
 15 hurt or anything. It's just, I don't know, it's  
 16 hard to describe. It was very uncomfortable. It's  
 17 like -- it's like I don't think anybody would want  
 18 to be touched there without consent or anything like  
 19 that, so it was very foreign, very awkward, I guess  
 20 you could say.  
 21 Q. Okay. And I understand -- I understand  
 22 what you said, but I want to also know if it caused  
 23 you any physical discomfort at that time?  
 24 A. I'm sure this is a mental thing, but at  
 25 the time I guess you could say that I -- I felt

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1 about that first incident. You said the nurse's  
 2 office door was closed. But where the search that  
 3 happened, wasn't that in a public hallway at school?  
 4 A. The search wasn't in the hallway, but  
 5 yeah, I guess you could say it's a public hallway,  
 6 but there are two access keys that you have to have  
 7 to get in either door.  
 8 Q. Okay. Were people coming and going in  
 9 that area during this time?  
 10 A. That's one thing I also got really  
 11 uncomfortable with. I was sitting there, and  
 12 there's usually -- there's usually the campus cops  
 13 or the nurse or, you know what I mean, assistants  
 14 from the main office coming in and out getting  
 15 paperwork and stuff, printing. And that -- those  
 16 two times, all those doors were closed and no one --  
 17 it was kind of like there was no one there besides  
 18 us.  
 19 Q. And how long did that search take?  
 20 A. I'd say max like 15 minutes.  
 21 Q. Do you think it was that long? That's  
 22 quite a while.  
 23 A. I mean, when he did the whole, you know,  
 24 shake the stuff out of my bag, he kind of examined  
 25 everything and he was really trying to look in every

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1 pocket and every little like crevice of my backpack  
2 to see if I had any contraband or anything.

3 Q. And nothing was found was it?

4 A. No.

5 Q. Okay. So now, let's go then to the  
6 second search. Where location-wise at school did  
7 that take place?

8 A. This was also in the security office  
9 next to the nurse's and the footage room.

10 Q. Were the doors open at the nurse's  
11 office the second time?

12 A. No. Also closed.

13 Q. Was it the same time of day as the first  
14 search?

15 A. I don't think it was. I remember the  
16 first search was more earlier in the day, and I  
17 remember they -- I got my referral, and they kind of  
18 just sent me back to class. And I remember I had a  
19 good amount of periods after that. This time it was  
20 more towards the end of the day.

21 Q. So tell me about what happened or tell  
22 us about what happened in the second search.

23 A. Yes. Very similar to incident one. I  
24 was in class doing normal stuff, my work or whatever  
25 assignment we were doing. Security had appeared and

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1 really good, and he would tell me come here, and  
2 then we would start the search, but this time he  
3 told me to flip my waistband.

4 He looked in my socks, and then he told  
5 me to face the other direction when he was doing the  
6 same type of kind of, I guess to say cop pat down of  
7 your legs. And so I was now facing the hallway  
8 towards those same waiting chairs like towards the  
9 nurse's office, you could say. And he's doing the  
10 same, you know, leg to leg pat down, and then out of  
11 nowhere, I was grabbed between -- between my legs.  
12 But this time it wasn't -- it wasn't just -- it  
13 wasn't just my left testicle. He essentially tried  
14 to grab everything.

15 Q. Was he standing behind you or was he in  
16 front of you again?

17 A. He's in front of me. I'm sorry, that's  
18 first scenario. Second scenario, he's behind me.

19 Q. Okay. Okay. And were there other  
20 security personnel there?

21 A. They were there, but like I said, they  
22 were in the footage room and that door had to be  
23 closed at that time.

24 Q. Okay. So when he grabbed you, as you  
25 described, did you say anything? Did you tell him

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1 they wanted me to go with them, so, of course, I  
2 did. I'm not trying to make a scene in class or  
3 anything.

4 So I went down with them. Again, I'm  
5 trying to ask them what's happening. They  
6 essentially tell me again that I have to wait to  
7 talk to the principal to see what's happening. And  
8 I was like, fine, whatever. We get down there, and  
9 the security guards that I believe there was --  
10 there was a bunch of security guards that time, and  
11 all the other ones, they kind of went in the footage  
12 room and then after that, they closed the door.

13 I don't know what happened to the campus  
14 cops. They probably went back to the little room  
15 they have or whatever, but after that, I was -- I  
16 was sitting in those little chairs again in the  
17 waiting room in front of the nurse's office, and it  
18 was that same eery feeling to where no one's walking  
19 by like usual or the footage room door isn't open  
20 like usual or the nurse's door.

21 And then I was -- you know, I got -- he  
22 grabbed my backpack again and he did the same  
23 routine of I guess you could say dumping all my  
24 stuff out of my backpack, checking all of my  
25 backpack pockets and, you know, corners, crevices

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1 to stop? Did you -- what did you do?

2 A. I stepped into the hallway in front of  
3 me and I turned around, you know what I mean, and  
4 I'm pretty sure I addressed him again, and he had a  
5 really weird look on his face. It kind of just  
6 like, it gave me the weirdest feeling. It was just  
7 kind of like I guess you could say a smirk, if you  
8 will.

9 He was just standing there again as if  
10 nothing had happened, and it was just crazy to me  
11 that I guess you could say something happens like  
12 that and you're just unphased with emotion.

13 Q. Well, let me ask you this, do you  
14 think -- based on your knowledge of human  
15 interactions for yourself, do you think that  
16 Mr. Archuleta was trying to approach you somehow in  
17 a sexually inappropriate manner?

18 A. That -- it's definitely the vibe I got,  
19 but I wouldn't like to think of it like that, but  
20 it's definitely the vibe I got.

21 Q. Did you get that vibe the first time,  
22 too?

23 A. Yes.

24 Q. Well, how did you view Mr. Archuleta?  
25 Did you -- I'm not in your shoes. Did you see him

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1 my entire friend group. Everyone that I associate  
 2 myself with is for a reason, so I'd say -- I'd say  
 3 there's a few people.  
 4 Q. Well, I don't know who they are. I  
 5 mean, are they some of the people we mentioned  
 6 earlier like Gabriel Garcia Marcus and Andres  
 7 Valencia? Are those some of your closer friends now  
 8 still?  
 9 A. Yes.  
 10 Q. How frequently do you keep in touch with  
 11 them?  
 12 A. About once a week.  
 13 Q. In person or video or how do you -- how  
 14 does this contact occur?  
 15 A. Over the phone or in person.  
 16 Q. Do you ever go out to eat dinner with  
 17 them or lunch, that type of thing?  
 18 A. Yeah, once in a while.  
 19 Q. Do you still ever go to Cottonwood Mall  
 20 with your friends?  
 21 A. It's been a real long time, but I guess  
 22 you could say that's something we still do.  
 23 Q. Have you ever been stopped by security  
 24 at Cottonwood Mall?  
 25 A. No.

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1 everybody? Carlos?  
 2 MR. QUINONES: Yes.  
 3 MR. WALZ: Todd?  
 4 MR. BULLION: Sounds good.  
 5 MR. WALZ: Madam Court Reporter?  
 6 THE COURT REPORTER: Yes, sounds good.  
 7 Thank you.  
 8 MR. WALZ: We'll be back at 2:30.  
 9 THE COURT REPORTER: Okay.  
 10 (At this time, a recess was  
 11 taken.)  
 12 MR. WALZ: I don't have any other  
 13 questions of you. After Mr. Quinones or Mr. Bullion  
 14 or -- finish with you, I might, might not --  
 15 probably not because they usually cover everything  
 16 or it's already been covered. If I don't get to  
 17 talk to you again, I do want to thank you for your  
 18 cooperation.  
 19 Sometimes this can be a little bit tense  
 20 at times. Sometime it's kind of even fun, so it's  
 21 hard to say what your experience is, but I do  
 22 appreciate you trying to answer the questions to the  
 23 best of your ability, so thank you.  
 24 So at this time, I'd pass the witness.  
 25 EXAMINATION

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1 Q. Have you ever been arrested for any  
 2 crime?  
 3 A. No.  
 4 Q. Do you have any type of juvenile record  
 5 at all?  
 6 A. No.  
 7 Q. When is your next appointment with  
 8 Dr. Penland?  
 9 A. I would have to check again.  
 10 Q. You just can't tell me off the top of  
 11 your head or give me even a projected date?  
 12 A. No.  
 13 Q. All right. Well, you know, I -- like I  
 14 said, I take a break every hour. It's been more  
 15 than an hour. I'm just about done. I might be  
 16 finished with my questioning.  
 17 MR. WALZ: What I'd like to do with  
 18 everybody's permission, when we come back at 2:30, I  
 19 probably won't have any additional questions, and  
 20 I'll pass the witness to Mr. Quinones, and then your  
 21 attorney can ask questions if he wants to at an  
 22 appropriate time, too.  
 23 But that's just for everybody's timing  
 24 so we know where we're at. I'm either close to done  
 25 or done. So come back at 2:30. Is that okay with

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1 BY MR. QUINONES:  
 2 Q. Joseph, my name is Carlos Quinones. I'm  
 3 the attorney representing George Archuleta in this  
 4 lawsuit. And is it okay if I call you Joseph?  
 5 A. That's fine.  
 6 Q. All right. And I have some things I  
 7 wanted to clarify from your earlier testimony. So  
 8 as I understand it, after -- at least by the --  
 9 after the second incident with Mr. Archuleta where  
 10 you allege he touched you inappropriately, you told  
 11 your mom you had been searched more than 50 times?  
 12 A. Correct.  
 13 Q. And this 50 times, was it all by  
 14 Mr. Archuleta or other guards or a combination of  
 15 guards?  
 16 A. This was a combination of guards.  
 17 Q. And as far as all these searches you  
 18 told your mother about, again, your testimony is  
 19 there were only two times when Mr. Archuleta touched  
 20 you inappropriately?  
 21 A. Correct.  
 22 Q. Okay. That first one, I was a little  
 23 confused and maybe you can help me, but the first  
 24 incident when Mr. Archuleta touched you  
 25 inappropriately, where he searched you, was it in a

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1 A. I guess contact the school or something.  
 2 Q. And to your knowledge, did Mark  
 3 Mondragon ever call the school about these events?  
 4 A. I'm not sure.  
 5 Q. And then number 5 you mentioned you  
 6 spoke with Laius Martinez about inappropriate  
 7 touching by George Archuleta.  
 8 A. Exactly.  
 9 Q. To your knowledge, did your mom, Ms.  
 10 Salazar, ever report Mr. Archuleta's inappropriate  
 11 conduct to any school administration officials?  
 12 A. Not that of any knowledge that I have.  
 13 Q. And to your knowledge, Joseph, has your  
 14 mom ever contacted law enforcement, the police, to  
 15 report Mr. Archuleta?  
 16 A. Not to my knowledge.  
 17 Q. And you're 18 years old now, right?  
 18 A. Correct.  
 19 Q. Have you ever reported Mr. Archuleta's  
 20 misconduct to any law enforcement?  
 21 A. No.  
 22 Q. And why not?  
 23 A. I guess you could say I was -- I was  
 24 kind of afraid that it was going to be the same  
 25 situation when I mentioned something to

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1 number 11 of Exhibit 1. And I'll read it out loud  
 2 because it's kind of short. Please identify all  
 3 third-party fact witnesses that had personal  
 4 observations and/or knowledge of the allegations in  
 5 the plaintiff's complaint that the plaintiff may or  
 6 will call at trial. Describe the nature of their  
 7 proposed testimony and include contact information  
 8 for each witness.

9 Answer, and again there's some  
 10 objections that not all witnesses had been  
 11 identified, but you mentioned Laius and Daniel.  
 12 But as I take your testimony, as far as  
 13 the two occasions when Mr. Archuleta touched you  
 14 inappropriately, to your knowledge only you and  
 15 Mr. Archuleta were present, right?  
 16 A. Correct.  
 17 Q. And to your knowledge, did anyone else,  
 18 any third person witness Mr. Archuleta searching you  
 19 inappropriately?  
 20 A. I believe not.  
 21 Q. And so for those two incidences it's  
 22 basically your word against Mr. Archuleta's word?  
 23 A. Correct.  
 24 Q. All right. You don't have any other  
 25 evidence of him touching you inappropriately, your

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1 Affentranger.  
 2 Q. And at Cleveland High School I know it's  
 3 a pretty large school, is there like a resource  
 4 officer present at the school that's a member of a  
 5 law enforcement agency?  
 6 A. Yes, correct.  
 7 Q. Do they have just one or two there  
 8 normally?  
 9 A. I believe there's always two.  
 10 Q. Did you ever report Mr. Archuleta's  
 11 inappropriate contact to any of those school  
 12 resource officers?  
 13 A. No.  
 14 Q. And why not?  
 15 A. The same thing with the other situation  
 16 with Affentranger, just fear of the same thing  
 17 happening, I guess you could say.  
 18 Q. You thought you wouldn't be listened to?  
 19 A. Essentially, yeah.  
 20 Q. All right. Let's go to -- and do you  
 21 know any of those school resource officers during  
 22 your sophomore year? Do you recall any of them by  
 23 name?  
 24 A. I do not.  
 25 Q. All right. Let's go to interrogatory

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1 testimony?  
 2 A. Yes, I do not.  
 3 Q. All right. You don't have any  
 4 documents, photos, pictures, anything like that that  
 5 would support your contention that he touched you  
 6 inappropriately?  
 7 A. No.  
 8 Q. Okay. Let me scroll down here to 19.  
 9 All right. I don't know if you want to read it or I  
 10 can just cut to the chase. Do you want to read it?  
 11 Yeah, let me know when you're ready.  
 12 A. All right.  
 13 Q. You all set?  
 14 A. Yes.  
 15 Q. Okay. And, again, here you were asked  
 16 basically who saw George do these things. And you  
 17 answered: George touching -- Joe does not believe  
 18 any other person observed the inappropriate touch.  
 19 And that's what you just told me, right?  
 20 A. Correct.  
 21 Q. And then regarding John Doe #1, you  
 22 mentioned Daniel Mondragon was present, right?  
 23 A. Correct.  
 24 Q. And when you were urinating on that  
 25 occasion, it was -- I know some men's restrooms

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55 (Pages 214 - 217)